

# ***Worker Safety & Health Rule***



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U.S. Department of Energy

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# **Bob Stump National Defense Authorization Act**

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- Atomic Energy Act Amended
  - Section 234C, December 2, 2002
  - Secretary of Energy
    - Promulgate regulations for industrial and construction health and safety at DOE contractor facilities
    - Facilities operated by contractors covered by agreements of indemnification



## **WSH Legislative Requirement**

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- Provide a level of protection to workers at such facilities that is substantially equivalent to the level of protection currently provided to workers.



# **WSH Legislative Requirement**

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## **■ Flexibility**

- Reflect the hazards associated with the particular work environment
- Take into account special circumstances at a facility that is, or expected to be, permanently closed and/or demolished, or titled to be transferred to another entity for reuse



## **WSH Legislative Requirement**

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- **Flexibility continued:**
  - Achieve national security missions in an efficient and timely manner



## **WSH Legislative Requirement**

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- **Deadline for Promulgating Rule:**
  - Not later than one year after the date of the enactment of the legislation:  
December 2, 2003
- **Rule Effective Date:**
  - One year after the promulgation date of the regulation



# **10 CFR 851**

## **WSH Proposed Rule**

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- 10 CFR 851, Worker Safety and Health Notice of Proposed Rulemaking
  - Federal Register – December 8, 2003
  - Comment Period ends - February 6, 2004
  - Two Public Hearings
    - January 21, 2004 – Arlington, VA
    - February 4, 2004 – Golden, Colorado
      - DOE National Renewable Energy Laboratory
      - 9:00 a.m. to 1:00 p.m.
      - 4:00 p.m. to 8:00 p.m.



# **10 CFR 851**

## **WSH Proposed Rule**

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- File written comments:
  - Electronically on Website established for this rulemaking process at:
    - <http://www.eh.doe.gov/whs/rulemaking>
  - Mail:
    - US Department of Energy
    - Washington, DC
  - For additional information contact:
    - Jacqueline D. Rogers
    - 301-903-5684
    - jackie.rogers@eh.doe.gov



# **10 CFR 851**

## **WSH Proposed Rule**

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### **■ Applicability:**

- DOE contractor facilities
- DOE operated workplaces
  - Federal Employees
    - Establish, maintain, and implement a worker safety and health program



# **10 CFR 851**

## **WSH Proposed Rule**

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### **■ Exclusions:**

- Naval Nuclear Propulsion Facilities
- Facilities regulated by OSHA on December 2, 2002 (e.g., Power Administration, Strategic Petroleum Reserves)
- Radiological hazards



# **10 CFR 851**

## **WSH Proposed Rule**

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### **■ General Rule:**

- Covered workplace must be free from recognized hazards that are causing or likely to cause death or serious bodily harm
- Work is performed in accordance with worker safety and health program approved by DOE



# **10 CFR 851**

## **WSH Proposed Rule**

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- **Worker Safety and Health Program:**
  - Eliminate, limit or mitigate identified workplace hazards
  - Tailored to reflect activities and hazards
  - Consistent with DEAR and ISM
  - Include safety and health standards that achieve a level of protection substantially equivalent to the level of protection that existed in 2002



# **10 CFR 851**

## **WSH Proposed Rule**

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- **WSH Program continued:**
  - Select and document a set of standards that are necessary and sufficient to provide adequate protection to workers
  - Beryllium hazards, 10 CFR 850
    - Incorporate chronic beryllium disease prevention program



# **10 CFR 851**

## **WSH Proposed Rule**

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- **WSH Program continued:**
  - Other Identified hazards:
    - Appendix A to 10 CFR 851 (adopted from DOE O 440.1A),
    - Other safety and health standards, or
    - A combination of standards in Appendix A and other safety and health standards



# **10 CFR 851**

## **WSH Proposed Rule**

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- **WSH Program continued:**
  - If more than one contractor is responsible for a site:
    - Establish and maintain program for responsible workplaces
    - Coordinate with other contractors to ensure programs are integrated and consistent



## **10 CFR 851 WSH Proposed Rule**

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- **DOE Approval of WSH Program:**
  - Beginning one year after publication of final rule:
    - No work may be performed at a covered workplace unless the PSO has approved the program



# **10 CFR 851**

## **WSH Proposed Rule**

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- **DOE approval continued:**
  - PSO will issue a worker protection evaluation report

Determine if program will achieve a level of protection at least substantially equivalent to the level of protection that existed in 2002 for the covered workplaces
  - PSO may delegate approval process



# **10 CFR 851**

## **WSH Proposed Rule**

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- **DOE approval continued:**
  - Contractors must submit their WHS program for approval within 180 days after publication of the final rule
  - Maintain WSH program by:
    - Evaluating and updating to reflect any changes in the activities and hazards



## **10 CFR 851 WSH Proposed Rule**

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- **DOE approval continued:**
  - Annually submitting to DOE
    - Updated program for approval
    - Letter stating no changes to the current approved program
  - Incorporating any changes, conditions, or workplace safety and health standards directed by DOE.

## **10 CFR 850, Chronic Beryllium Disease Prevention Program Amendment**

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### **■ Scope, 10 CFR 850.1**

- This part provides for establishment of a chronic beryllium disease prevention program (CBDPP) that supplements and is deemed an integral part of the worker safety and health program under 10 CFR 851.

### **■ Enforcement, 10 CFR 850.4**

- DOE may take appropriate steps pursuant to 10 CFR 851 to enforce compliance by contractors with this part and any DOE-approved CBDPP.